

REMARKS

This application pertains to a novel separation module.

Claims 1, 2 and 4-26 are pending, although claims 17-25 have been withdrawn from consideration as drawn to non-elected subject matter.

Applicants respectfully request that the non-elected subject matter be rejoined with the elected subject-matter upon allowance of elected subject-matter.

The Examiner has indicated that a complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action. Applicants respectfully point out that the present action is not a final action and, in addition, Applicants believe that the nonelected claims are eligible for rejoinder. In any case, "other appropriate action" is believed to include the foregoing request for rejoinder. For all of these reasons, Applicants respectfully decline to cancel the nonelected claims.

Turning now to the merits, claim 1 has been amended to include the limitation that the capillaries are joined through an end-plate or by winding the individual capillaries with film strips of curable material and curing. These limitations find support at page 9, line 1 - page 11, line 4. Although the exact words "end plate" are not recited in the forgoing pages, it will be apparent to those skilled in the art that the plates formed as disclosed are end-plates.

The limitation that the capillaries pass through the end-plates at defined distances finds support at page 9, lines 18 and 23; and support for establishing a defined distance between the capillaries by winding with film strips finds support at page 10, line 26

Claim 4 stands objected to because dependent on a cancelled claim. This has now been corrected, and the objection should be withdrawn.

Claims 8 and 9 stand rejected under 35 U.S.C. 112, second paragraph, because the Examiner finds the diameter range of 10mm to 250mm for the capillary bundles to be inconsistent with a diameter range of 0.3mm to 10mm for the individual capillaries. The Examiner questions how a capillary bundle can exist if the minimum capillary diameter is 10mm.

The answer to that question is obviously that those skilled in the art constructing a capillary bundle with capillaries having a diameter of 10mm will select a bundle diameter within the range of 10mm to 250mm that will be large enough to accommodate the number of 10mm capillaries they intend to use.

The two ranges are not inconsistent with each other as a capillary bundle diameter can be found within the range given that will accommodate a bundle of capillaries of any diameter selected within the range of capillary diameters. The mere fact that the maximum capillary diameter given and the minimum capillary bundle

diameter given would not be combined by those skilled in the art does not make the claimed ranges indefinite. Those skilled in the art would know how to operate within the ranges given.

The rejection of claims 8 and 9 under 35 U.S.C. 112, second paragraph, should now be withdrawn.

Claims 1, 4, 7, 10-11 and 26 stand rejected under 35 U.S.C. 102(b) as anticipated by Cote (US 5,182,019).

The Cote reference requires that the fibers be held between two grooved split-clip headers (col. 8, line 64 - col. 9, line 44), and that the fibers must be circumferentially compressible (col. 9, lines 29-31). Cote therefore does not teach or suggest anything about the use of end-plates and, in any case, Cote cannot use ceramic capillaries as ceramic capillaries are not circumferentially compressible.

The Cote reference therefore cannot possibly teach or suggest anything about Applicants' novel separation modules, and the rejection of claims 1, 4, 7, 10-11 and 26 under 35U.S.C.102(b) as anticipated by Cote (US 5,182,019) should now be withdrawn.

Claims 2, 5-6 and 12 stand rejected under 35 U.S.C. 103(a) as obvious over Cote in view of Taketomo (US 4,671,809). The Examiner relies on Taketomo for built-in spacers. Built in spacers cannot possibly overcome the differences pointed out above, however. The rejection of claims 2, 5-6 and 12 under 35 U.S.C. 103(a) as obvious over

Cote in view of Taketomo (US 4,671,809) should accordingly now be withdrawn.

Claims 8 and 9 stand rejected under 35 U.S.C. 103(a) as obvious over Cote in view of Pederson (US 5,366,625). The Examiner relies on Pederson for rounded capillary bundles having a diameter of 20mm to 50mm. Such rounded bundles could not in any way compensate for the deficiencies of the Cote reference, as discussed above in connection with the 35 USC 102(b) rejection. The rejection of claims 8 and 9 under 35 U.S.C. 103(b) as obvious over Cote in view of Pederson (US 5,366,625) should accordingly now be withdrawn.

Claims 13 and 14 stand rejected under 35 U.S.C. 103(a) as obvious over Cote in view of Shay (US 4,310,607). The Examiner relies on Shay for a stainless steel housing. A stainless steel housing will not in any way overcome the differences pointed out above, however, and the rejection of claims 13 and 14 under 35 U.S.C. 103(a) as obvious over Cote in view of Shay (US 4,310,607) should be withdrawn.

Claim 15 stands rejected under 35 U.S.C. 103(a) as obvious over Cote in view of Bellhouse (US 6,217,764). The Examiner relies on Bellhouse for a ceramic housing. A ceramic housing could not possibly overcome the distinctions between the Cote disclosure and Applicants' claims as pointed out above, however. The rejection of claim 15 under 35 U.S.C. 103(a) as obvious over Cote in view of Bellhouse (US 6,217,764) should therefore now be withdrawn.

Finally, claim 16 stands rejected under 35 U.S.C. 103(a) as obvious over Cote in

view of Dobo (US 4,268,278). The Examiner relies on Dobo for a separation module comprising a catalyst. This, however, will not overcome the basic differences discussed above, and the rejection of claim 16 under 35 U.S.C. 103(a) as obvious over Cote in view of Dobo (US 4,268,278) should now be withdrawn.

In addition to the distinctions pointed out above, it should also be noted that none of the references cited teaches or suggests that by applying film strips an additional favorable technical effect can be achieved i.e. besides arranging and fixing the capillaries in defined distances and geometry, the flow of the fluid in the housing is affected causing a forced flow e.g a meandering flow. (p. 11 l. 2-4 and p. 14 l. 7-11).

In view of the present amendments and remarks it is believed that claims 1, 2 and 4-26 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account

No. 14-1263.

Respectfully submitted,
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